

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

---

**ELIZABETH SPIVEY-JOHNSON,  
formerly known as  
ELIZABETH PENDERGAST,**

**Plaintiff,**

**v.**

**Case No. 05-C-0087**

**SM&P,  
SUPERIOR ELECTRIC,  
JEFF ULMAN,  
KEVIN KRAKE,  
KERRY KRAKE, and  
NICOLE SERRA,**

**Defendants.**

---

**DECISION AND ORDER**

---

The plaintiff Elizabeth Spivey-Johnson (“Spivey-Johnson”), formerly known as Elizabeth Pendergast, has filed a letter request that the Court delay the deadline for filing her short statement explaining why she believes this Court has jurisdiction over this matter. She asks that the deadline be delayed until she has the opportunity to consult with counsel to be appointed by the Court.

Spivey-Johnson’s request is reasonable since the existence of subject matter jurisdiction is a critical threshold issue and counsel may be very helpful in addressing that question. The Court is attempting to obtain counsel to represent Spivey-Johnson but is encountering difficulty. The Court will stay the deadline for

the filing of the statement regarding jurisdiction, until it obtains counsel to represent Spivey-Johnson. Spivey-Johnson shall file such a statement 30 days **after** counsel is appointed.

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS  
HEREBY ORDERED THAT:**

Spivey-Johnson's request for an extension of time to file her short statement (Docket No. 22) is **GRANTED**.

**WITHIN 30 DAYS, AFTER COUNSEL IS APPOINTED TO  
REPRESENT HER**, Spivey-Johnson may file a short statement explaining why she believes this Court has subject matter jurisdiction over this matter.

Dated at Milwaukee, Wisconsin this 6th day of April, 2006.

BY THE COURT

s/ Rudolph T. Randa  
**Hon. Rudolph T. Randa**  
**Chief Judge**